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COCHIN LEGISLATIVE COUNCIL PROCEEDINGS

OFFICIAL REPORT OF THE LEGISLATIVE SESSION, 1118

Monday, *the* *23rd November 1942* / *8th Vrischigam 1118*

The Council met in the Council Hall, Ernakulam, at eleven of the clock with the Hon'ble the President (A. F. W. DIXON ESQ., C.I.E., I.C.S.) in the Chair.

Messrs. L. M. Pylee, Ismail Hajee Essa Sait, N. Govinda Pai and Popatlal Goverdhan Lalan were absent.

Swearing in

Mr. Parambi Lonappan (Diwan Peishkar) was sworn in.

Point of order

Mr. T. A. Ramachandra Ayyar *(Nellayi):* Sir, I rise to a point of order.

Mr. President: In connection with questions and answers?

Mr. T. A. Ramachandra Ayyar *(Nellayi):* We should not even begin questions and answers. According to me, the Council is not properly constituted. Section 13 of the Government of Cochin Act says "The Legislative Council shall consist of the Diwan and fifty-eight members, of whom thirty-eight members shall be representatives elected, and the rest nominated by His Highness, in accordance with the rules made in that behalf". Now there are not 58 members. Eight members have resigned their seats. So I submit the Council is not properly constituted.

Mr. M. Sivarama Menon *(Advocate-General):* The point of order raised by the Hon'ble Member has no force because notwithstanding the resignation or the absence of any member of the Legislative Council any proceedings of the Council during the interregnum between the bye-elections and the dates of the resignations will be valid. If the objection is to prevail no meeting of the Council can go on without there being 58 members. There is no force in the point of order in view of section 20 (2) of the Act which validates the proceedings of this House notwithstanding vacancies in the membership.

Mr. T. A. Ramachandra Ayyar *(Nellayi):* If at the time of the summoning of the Council there were 58 members what the Hon'ble Member said is correct. When the Government summoned the Council they knew that eight seats were vacant. If after summoning, any member resigns, by all means we can have a meeting.

Mr. M. Sivarama Menon *(Advocate-General):* The former part of section 20 (2) applies.

Mr. A. V. Moothedan *(Chalakkudi):* Sir, there is no point at all in this point of order. If the hon'ble member's position is accepted we can never have a council.

Mr. President: I rule that the Council is properly constituted and I rule out the point of order.

QUESTIONS AND ANSWERS

BYE-ELECTIONS—HOLDING OF

1. **Mr. V. N. Damodaran Nambiar** *(Trippunittura):* Will Government be pleased to state whether it is their intention to hold bye-elections in those constituencies whose representatives to the Legislative Council have resigned their seats?

Rama Varmha Tampuran *(Secretary to Government):* Yes.

2. **Mr. T. A. Ramachandra Ayyar** *(Nellayi):* Will Government be pleased to state.—

(*a*) the names of the members of this House who have resigned their membership with the respective dates;

(*b*) the reasons for not taking steps for conducting bye-elections in the respective constituencies till now?

Rama Varmha Tampuran *(Secretary to Government)*:

(a)	Names		Dates
1.	Dr. A. R. Menon	..	30—8—1942
2.	Mr. E. Ikkanda Warrier	..	do.
3.	Mr. C. R. Iyyunni	..	do.
4.	Mrs. C. R. Iyyunni	..	do.
5.	Mr. P. Govinda Menon	..	6—9—1942
6.	Mr. K. Kochukunhan Kaimal	..	7—9—1942
7.	Mr. P. K. Madhava Menon	..	14—9—1942
8.	Mr. P. Achyuta Menon	..	21—9—1942

(b) Steps are being taken to hold the bye-elections.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: May I know whether the resignations of all these members can be placed on the table for the information of this House?

Rama Varmha Tampuran *(Secretary to Government)*: If the Hon'ble member will put a separate question we will consider.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: I had sent a question and the question was disallowed. I want to know whether these resignations can be placed on the Council?

Rama Varmha Tampuran *(Secretary to Government)*: If the Hon'ble member will put a question the Government will consider.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know why no bye-elections were held for the last three months?

Rama Varmha Tampuran *(Secretary to Government)*: There was no special reason. The Government have been taking steps to hold elections.

Mr. V. K. Bhaskara Menon *(Cranganur)*: What exactly are the steps taken by the Government.

Rama Varmha Tampuran *(Secretary to Government)*: We had to appoint Returning Officers, publish the voters' list, etc.

Mr. A. Eachara Menon *(Chittur-Rural)*: What time did the Government take to accept these resignations?

Rama Varmha Tampuran *(Secretary to Government)*: Government are not called upon to accept the resignation.

Mr. V. K. Bhaskara Menon *(Cranganur)*: From 30th August 1942 to 24th November 1942 the Government have been making arrangements to conduct bye-elections?

Rama Varmha Tampuran *(Secretary to Government)*: When the members tendered their resignations the Government had certain reasons to think that probably they might like to reconsider the position. That was one reason. Another thing was that it was a rather difficult time and the Government were not quite sure that they could hold such a long series of bye-elections spread all over the State just at that time. The moment the situation cleared a bit and the moment the Government had definite information about certain other details also Government took steps to hold elections.

Mr. V. K. Bhaskara Menon *(Cranganur)*: What exactly were the difficulties of the situation to prevent the Government from holding elections?

Rama Varmha Tampuran *(Secretary to Government)*: The political situation at that time and certain other matters about which Government had information.

Mr. V. K. Bhaskara Menon *(Cranganur)*: May I know whether the Government deliberately abstained from conducting bye-elections because of the political situation.

Rama Varmha Tampuran *(Secretary to Government)*: That is a wrong suggestion.

Mr. V. K. Bhaskara Menon *(Cranganur)*: What is the suggestion of the Government? Because the situation has cleared they are holding bye-elections and I am perfectly justified in concluding that the Government deliberately abstained from holding bye-elections.

Mr. T. A. Ramachandra Ayyar *(Nellayi)*: Has not Mr. Viswambharan resigned his seat?

Rama Varmha Tampuran *(Secretary to Government)*: Yes.

OFFICERS IN THE CENTRAL JAIL—PARTICULARS OF

3. മിസ്റ്റർ സി. കെ. നായർ: താഴെ ചേർക്കുന്ന ചോദ്യത്തിനു ഗവൺമെണ്ടു് സദയം മറുപടി പറയുമോ.—

സെൻട്രൽ ജെയിലിലെ സൂപ്രഡണ്ടു്, ജെയിലർ, ഡെപ്യൂട്ടി ജെയിലർ, അസിസ്റ്റണ്ടു് ജെയിലർ എന്നീ സ്ഥാനങ്ങളിൽ ഇരിക്കുന്നവരുടെ പേരു്, വിദ്യാഭ്യാസയോഗ്യത, സർവ്വീസു്, ജാതി, ശമ്പളം എന്നിവ പറയുവാൻ ഗവൺമെണ്ടിനു ദയവുണ്ടാകുമോ?

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